

STATE OF MINNESOTA

IN SUPREME COURT

C1-84-2137

CX-01-926

**ORDER ESTABLISHING DEADLINE FOR SUBMITTING
COMMENTS ON PROPOSED AMENDMENTS
TO THE RULES OF CRIMINAL PROCEDURE
AND JUVENILE DELINQUENCY PROCEDURE**

WHEREAS, on October 31, 2003, the Court ordered that Supreme Court Technology Planning Committee (TPC) develop, through the MNCIS project and in consultation with appropriate criminal justice partners, a standardized, uniform state-wide sentencing form or order that captures for immediate transmission essential sentencing information; and

WHEREAS, the TPC established the Sentencing Form Subcommittee for that purpose; and

WHEREAS, on February 16, 2005, the Subcommittee filed a report with the Court, a copy of which is attached here, setting forth its recommendations for the required elements of the sentencing order, and requesting amendments to the Rules of Criminal Procedure and Juvenile Delinquency in conformance with those recommendations,

IT IS HEREBY ORDERED that any individual wishing to provide a written statement in support or opposition to the proposed amendments, which have been repeated on the following pages, shall submit fourteen copies of such statement addressed to Frederick Grittner, Clerk of the Appellate Courts, 305 Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155, on or before Friday, April 22, 2005.

Dated: March ____, 2005

BY THE COURT:

Kathleen A. Blatz
Chief Justice

Amend Minn. R. Crim. P. 27.03, subd. 6 as follows:

Subd. 6. Record. (A) A verbatim record of the sentencing proceedings shall be made. The defendant, prosecution, or any person may, at their expense, order a transcript of the verbatim record made in accordance with this rule.

(B) Information from the sentencing proceeding for counts for which the offense level prior to sentencing was a felony or gross misdemeanor shall also be recorded in a sentencing ~~form or~~ order that, at a minimum, contains:

- (1) the defendant's name;
- (2) case number;
- (3) for each count:
 - a. if the defendant pled guilty to or was found guilty of the offense:
 - i. the offense date;
 - ii. a citation to the offense statute ~~and level of offense~~;
 - iii. the information specified in subdivision 4 (precise terms of sentence including the amount of any fine, time spent in custody, whether the sentence is a departure and if so, the reasons therefor, and terms and conditions of probation);
 - iv. the level of sentence; and
 - v. restitution, if appropriate, and whether it shall be joint and several with other persons; or
 - b. if the defendant did not plead guilty to or was not found guilty of the offense, that the defendant was acquitted or the count was dismissed;
- (4) other financial obligations such as surcharges, law library fees, court costs, and treatment evaluation costs; and
- (5) the signatures of the sentencing judge ~~and defendant~~.

The sentencing ~~form or~~ order shall be provided in place of the transcript required in Minnesota Statutes sections 243.49 and 631.41.

Amend Minn. R. Juv. Del. P. 19.10, subd. 5 as follows:

Subd. 5. Record of Proceedings.

(A) Upon a plea of guilty after a child has been determined to be an Extended Jurisdiction Juvenile, a verbatim record shall be made of the plea and sentencing proceedings.

(B) A record of the adult stayed sentence shall also be recorded in a sentencing ~~form or~~ order that, at a minimum, contains:

(1) the child's name;

(2) case number;

(3) for each count:

(a) if the child plead guilty to or was found guilty of the offense:

(i) the offense date;

(ii) a citation to the offense statute ~~and level of offense~~;

(iii) the precise terms of the adult criminal sentence, and that execution has been stayed;

(iv) the level of sentence; and

(v) the amount of time spent in custody, if any; or

(b) if the child did not plead guilty to or was not found guilty of the offense, that the child was acquitted or the count was dismissed; and

(4) the signatures of the sentencing judge ~~and child~~.

Where venue is transferred as provided in subdivision 4, a copy of the sentencing ~~form or~~ order shall be filed with the transferring court.